

TOWN OF ROSETOWN

BYLAW NO. 744-16

A BYLAW OF THE TOWN OF ROSETOWN (“THE TOWN”) TO ESTABLISH A DEVELOPMENT LEVY AND SERVICING FEE FOR LAND SUBDIVISION AND DEVELOPMENT WITHIN THE TOWN

WHEREAS Section 169 of *The Planning and Development Act, 2007* (the “Act”) authorizes Town Council to pass a bylaw to establish development levies for the purpose of recovering all or part of the capital cost of providing, altering, expanding or upgrading certain services and facilities associated, directly or indirectly, with a proposed development which does not involve subdivision of land;

WHEREAS Section 172 of *The Planning & Development Act, 2007*, authorizes the Town to require a subdivision applicant to enter into a servicing agreement to provide services and facilities that directly or indirectly serve the subdivision, and further authorizes the Town to require the payment of fees that Town Council may establish as payment in whole or in part for the capital cost of providing, altering, expanding or upgrading services and facilities that directly or indirectly serve the new proposed subdivision;

WHEREAS the Town has received a study or studies, regarding the estimated capital costs of providing municipal servicing and recreational requirements, which sets out a fair and equitable calculation of the development levies in accordance with *the Act*;

WHEREAS the Town has considered the future land use patterns and development and phasing of public works to help determine a fair and equitable calculation of the development levies in accordance with *the Act*;

Under the authority granted by *The Planning and Development Act, 2007*, the Mayor and Council of the Town of Rosetown in the Province of Saskatchewan, in open meeting, hereby enact as follows:

1.0 TITLE

1.1 This bylaw may be cited as the “Development Levy and Servicing Fee Bylaw”.

2.0 PURPOSE AND OBJECTIVE

2.1 This Bylaw is enacted for the purposes of recovering all or a portion of the Town’s capital costs of providing, altering or upgrading certain services and/or facilities which are located outside and associated with, or intended to directly or indirectly serve a proposed development or subdivision as authorized under *the Act*.

This bylaw is intended to:

- a) Impose and provide for the payment of development levies and servicing fees
- b) Authorize agreements to be entered into in respect of payment of development levies and servicing fees
- c) Set out the conditions upon which the levy will be applied to specific land uses
- d) Indicate how the amount of the levy has been determined

3.0 DEFINITIONS

3.1 In this bylaw:

- e) “Act” shall mean the *Planning and Development Act, 2007*

- f) “Development” means the carrying out of any building, engineering, mining or other operations in, on or over land or the making of any material change in the use or intensity of the use of any building or land
- g) “Development Lands” means those lands (or any part thereof) within the Town of Rosetown, where no previous servicing agreement has been entered into for the specific proposed development and, in the opinion of Council, the Municipality will incur additional capital costs as a result of the proposed development
- h) “Proposed Development” means a permitted or discretionary use within the Town of Rosetown Zoning Bylaw, for which a person or corporation has made an application for a development permit
- i) “Municipality” means the Town of Rosetown
- j) “Development Levy” means the levy imposed and created by this bylaw pursuant to *the Act*
- k) “Capital Costs” means the Municipality’s estimated cost of providing, altering, expanding or upgrading the following services and facilities associated, directly or indirectly, with a proposed development
 - i) Sewage, water or drainage works
 - ii) Roadways and related infrastructure such as curbs, street lights and street name signs
 - iii) Parks
 - iv) Public Recreational facilities
- l) “*Servicing Agreement*” has the meaning ascribed to this term by *the Act* within Section 172
- m) “*Development Levy Agreement*” has the meaning ascribed to this term by *the Act* within Section 171

4.0 ADMINISTRATION AND ENFORCEMENT

4.1 The Town Administration shall enforce and administer this bylaw, including administering the Development Levy, and Development and Servicing Agreements. Only Council has the Authority to enter into a Development and Servicing Agreement.

5.0 APPLICATION

5.1 This Bylaw applies to Development Lands that benefit or will benefit from municipal services installed or to be installed by or on behalf of the Municipality. The Development Levy imposed by this Bylaw is intended to recover all or a part of the Capital Costs incurred by the Municipality as a result of the Proposed development, as set out in Schedule A attached to and forming part of this bylaw.

5.2 Pursuant to Section 169(3) of *The Act*, the Development Levy will only be applied if: the specific proposed development was not previously subject to a servicing agreement; and, in the opinion of the Council, additional capital costs will be incurred by the Municipality.

6.0 IMPOSITION OF LEVY

- a) There is hereby imposed on the Development Lands a Development Levy in the amounts set out in Schedule A attached to and forming part of this bylaw. Schedule A shall be updated to reflect changes in infrastructure costs, as required.
- b) Any revision to Schedule A shall require ministerial approval, pursuant to Section 170 of *the Act*, and shall apply only to development permit applications accepted by the Municipality after the date the revision is approved.

7.0 AUTHORITY TO ENTER INTO AGREEMENT

- a) Any Development and Servicing Agreement and the obligation to pay the applicable Development Levy shall be binding on successors in title to the original owner or owners, regardless of whether an interest in respect of the Development Levy Agreement is registered by the Municipality against the Development Lands. The amount of the development levies payable shall be the amount under Schedule A.
- b) Nothing in this bylaw prevents the Municipality from imposing additional or new development levies on any portion of the Development Lands where the Municipality has not previously collected the Development Levy or entered into a Development and Servicing Agreement.

8.0 PAYMENT

8.1 The Development Levy and Servicing Fees provided in this bylaw shall be paid, in the following manner:

- a) In a fashion and timeline deemed appropriate by the Municipality within a Development and Servicing Agreement, pursuant to Section 171 and Section 172 of *the Act*.
- b) In the event that any Development Levy payment imposed by this Bylaw payable under a Development and Servicing Agreement is not paid at the time or times specified within the Agreement and without limiting the remedies of the Municipality, the Municipality may issue a stop order prohibiting further development on the Development Lands.

9.0 PURPOSE AND USE OF THE LEVY

9.1 The development levy is intended to reimburse the Municipality for the capital costs associated with the construction, altering, expanding or upgrading of the following:

- a) Sewage, water or drainage works
- b) Roadways and related infrastructure
- c) Parks
- d) Recreational facilities

Associated directly or indirectly with the proposed development The development levy may be utilized to pay a debt incurred by the municipality as a result of expenditure listed above or to reimburse an owner described in clause 173(d) of *the Act*.

10.0 CALCULATION OF LEVY

10.1 The development Levy and Servicing Fee adopted in this Bylaw was determined on the basis set out in Schedule B annexed hereto and forming part of this Bylaw

11.0 APPEALS

11.1 The amount of or requirement to pay Development Levy or Servicing Fees may be appealed pursuant to Section 176 of *the Act*.

12.0 SEVERABILITY

12.1 In the event that a court shall determine that nay provision of this Bylaw is invalid, or contrary to the law, such provision shall be severed from this Bylaw and the remainder of this Bylaw shall continue to be in full force and effect.

13.0 AMENDMENT

13.1 Any future amendments or revisions to this Bylaw shall be in accordance with the provisions of *the Act*.

14.0 ENACTMENT

14.1 This Bylaw shall come into force upon the day of its final passing

SEAL

Mayor

CAO

Given third reading and approved by Council on the _____ day of _____, 2016.

Schedule A

Uniform Development Levy/Service Fee for all Land Use Types (Residential, Commercial, Industrial) -
\$53,819.50/ha (\$0.50 per sq. foot)

Schedule B

Town of Rosetown – Development Levy Study (November 2016), as attached.